



IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

KENNETH UPCHURCH)
Plaintiff,)
v.) Civil No. 3:24-cv-0213
TIMOTHY DEE DODD and)
THE ROBERTSON COMPANY, LLC)
Defendants.)

**JOINT MOTION TO DISMISS PLAINTIFF'S CLAIM FOR PUNITIVE DAMAGES
WITHOUT PREJUDICE**

COMES NOW Plaintiff Kenneth Upchurch ("Plaintiff") and Defendants Timothy Dee Dodd ("Mr. Dodd") and the Robertson Company, LLC ("Robertson Company") (herein collectively referred to as "Parties"), by and through this Joint Motion to Dismiss Plaintiff's Claim for Punitive Damages Without Prejudice, to collectively seek dismissal Plaintiff's punitive damage claim arising out of an incident occurring on or about February 14, 2023, of which is the subject of this lawsuit. Following the completion of party depositions, Parties, by and through counsel, agreed that there are no facts present to support Plaintiff's claim for punitive damages in this case at this time.

WHEREFORE, Parties jointly and respectfully move the Court for an order dismissing Plaintiff's claim for punitive damages without prejudice.